

FIFTY-FOURTH DAY

(Thursday, April 11, 1963)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Kennard
Bates	Krueger
Blanchard	Moffett
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word

Absent—Excused

Moore

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Moore was granted leave of absence for today on account of important business on motion of Senator Crump.

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 10, 1963.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 380, A bill to be entitled "An Act amending Section 1 of Chapter 84, Acts of the 43rd Legislature, First Called Session, 1933, as amended (compiled as Article 28a, Vernon's Texas Civil Statutes), to pro-

vide that weekly newspapers shall be allowed to miss two (2) publication issues in twelve (12) months and still retain their status as newspapers eligible to publish legal notices of every kind; and declaring an emergency."

H. B. No. 395, A bill to be entitled "An Act providing that no state agency or political subdivision of the State of Texas or any individual, firm, association, partnership or corporation doing business in the State of Texas shall deny employment to any person or shall discharge from employment any person solely because of age, providing such person is between the ages of eighteen (18) and sixty-five (65); providing penalties; providing severability; and declaring an emergency."

H. B. No. 451, A bill to be entitled "An Act amending Section 1 of Article 9.02 of Title 122A, 'Taxation-General,' Chapter 1, Acts of the 56th Legislature, Third Called Session, 1959 (compiled as Section 1 of Article 9.02 of Title 122A 'Taxation-General,' Vernon's Texas Civil Statutes), to provide that certain motor fuel purchased or otherwise acquired outside of the State of Texas and brought into this State by any person who is returning thereto immediately following an absence therefrom for a period of less than twenty-four (24) hours duration shall be subject to the excise tax levied on the first use of such motor fuel in this State and payable by such person as the Comptroller may prescribe; providing for an effective date; and declaring an emergency."

H. B. No. 680, A bill to be entitled "An Act authorizing independent school districts to borrow money for current maintenance expenses; providing for the method of evidencing such loans by the issuance of negotiable notes; prescribing the conditions under which such notes may be issued; enacting other provisions related to the subject; providing that this Act is cumulative of Article 2827 V.A.R.C.S. of Texas; and declaring an emergency."

H. B. No. 684, A bill to be entitled "An Act regulating the operation, purchase, and acquisition of aircraft by state agencies, departments and institutions and the use thereof, and providing for sale or disposal of all

state owned executive-type aircraft by all agencies, departments and institutions, with the exception of the Texas Department of Public Safety; defining 'executive-type aircraft' as aircraft with horsepower in excess of 260; exempting the Texas National Guard and the Texas State Guard from the provisions of this act; prescribing records to be kept on use and operation of state-owned aircraft and for annual audit thereof; prescribing procedure for purchase and acquisition and operation and maintenance of aircraft by state agencies, departments and institutions; and declaring an emergency."

H. C. R. No. 59, Granting permission to the Southwest Area Council of Young Men's Christian Association to use the House and Senate Chambers of the Capitol from December 12 to 15, inclusive, in 1963, and December 10 to 13, inclusive, in 1964.

H. B. No. 172, A bill to be entitled "An Act relating to motor service clubs, defining certain terms, providing for a deposit of security prior to doing business and the issuance of a certificate of authority upon the giving of such security; exempting certain companies; providing for a solicitor's license; providing for filing of information with the State Board of Insurance and an annual license fee to be paid to said Board; providing for revocation of suspension of licenses or certificates of authority; providing for regulations of service contracts; providing for penalties for violations of this Act; and declaring an emergency.

The House refused to concur in Senate amendments to House Bill No. 86 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk House of Representatives

Presentation of Guests

Senator Creighton by unanimous consent presented the family of Senator Owen who were guests of the Senate today, Robin, Cathy, Ginger, Quad, Bill, Lorrie and Mrs. Owen.

Reports of Standing Committees

Senator Aikin submitted the following reports:

Austin, Texas,
April 11, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred H. B. No. 11, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

AIKIN, Chairman.

Austin, Texas,
April 11, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 355, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Dies submitted the following report:

Austin, Texas,
April 10, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. 986, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DIES, Chairman.

Senate Bill 458 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Word:

S. B. No. 458, A bill to be entitled "An Act creating a conservation district under Article XVI, Section 59, of the Constitution comprising certain territory contained in Hill County, Texas, to be known as 'City of Hillsboro Water and Sewer Authority,' for the purpose of providing a source of water supply for municipal, domestic and industrial use and processing, transporting, and distributing the same and providing plants and facilities for the collection, trans-

portation, processing, disposal and control of all domestic, industrial and communal wastes; providing for confirmation of authority by election; providing for a Board of Directors for the government of said Authority; authorizing the Authority to do all things necessary to the exercise of the powers herein granted; authorizing the issuance of bonds and providing for payment and security thereof; making applicable to the District Title 52, Revised Civil Statutes of Texas, as amended, relating to eminent domain and certain general laws relating to Water Control and Improvement Districts; prescribing other powers of the Authority; providing a savings clause; enacting other provisions relating to this subject; and declaring an emergency."

To the Committee on Water and Conservation.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolution.

S. B. No. 52, A bill to be entitled "An Act amending Sections 2 and 9 of Acts, 53rd Legislature, Regular Session, Chapter 209, as amended (and codified as Sections 2 and 9 of Article 6701c-1 of Vernon's Civil Statutes); and declaring an emergency."

S. B. No. 248, A bill to be entitled "An Act amending Article 2095 of the Revised Civil Statutes of Texas, 1925, as amended; relating to procedure for the selection of juries in certain counties and changing the population bracket from one hundred and fifty thousand (150,000) to one hundred and forty thousand (140,000) and providing for the employment of typists and payment of other expenses; and declaring an emergency."

S. B. No. 293, A bill to be entitled "An Act providing that Brown County Water Improvement District No. 1 may collect delinquent taxes and bring suit for the collection of such taxes, by foreclosure and otherwise, after the bonds and the interest on said bonds, for which taxes have been levied and assessed, have been paid; providing for the use of funds so collected and the use of any surplus in the 'Interest and Sinking Fund'; and declaring an emergency."

S. C. R. No. 43, Providing for portrait of Governor Price Daniel to be placed in Rotunda of Capitol.

Report of Standing Committee

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
April 11, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 458, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PARKHOUSE, Chairman.

Senate Bill 458 Ordered Not Printed

On motion of Senator Word and by unanimous consent S. B. No. 458 was ordered not printed.

House Bill 450 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 450, A bill to be entitled "An Act amending Chapter 136, Acts of the 47th Legislature, Regular Session, as amended by Chapter 166, Acts of the 51st Legislature, Regular Session, by creating a County Court at Law No. 1 of Travis County, Texas, etc., and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 450 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 450 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Calhoun
Bates	Cole
Blanchard	Colson

Creighton	Owen
Crump	Parkhouse
Dies	Patman
Hall	Ratliff
Hardeman	Reagan
Harrington	Richter
Hazlewood	Rogers
Herring	Schwartz
Kazen	Spears
Kennard	Strong
Krueger	Watson
Moffett	Word

Absent—Excused

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 429 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 429, A bill to be entitled "An Act amending House Bill 81, Acts of the 55th Legislature, Regular Session, 1957; creating the 147th Judicial District of Travis County; providing that the Criminal District Court of Travis County shall be designated as the 147th Judicial District Court; etc., and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 429 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 429 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Crump
Bates	Dies
Blanchard	Hall
Calhoun	Hardeman
Cole	Harrington
Colson	Hazlewood
Creighton	Herring

Kazen	Reagan
Kennard	Richter
Krueger	Rogers
Moffett	Schwartz
Owen	Spears
Parkhouse	Strong
Patman	Watson
Ratliff	Word

Absent—Excused

Moore

The President then laid the bill before the Senate on its third reading final passage.

The bill was read third time and was passed.

House Bill 716 Re-referred

On motion of Senator Aikin and by unanimous consent H. B. No. 716 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

House Bill 48 Postponed

On motion of Senator Dies and by unanimous consent H. B. No. 48 was postponed until Wednesday, April 17, 1963, following The Morning Call.

House Bill 267 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 267, A bill to be entitled "An Act to provide for the stopping and inspecting of all shipments of livestock or livestock products transported into or through the State of Texas; providing penalties for violations; and declaring an emergency."

The bill was read second time.

Question—Shall H. B. No. 267 be passed to third reading?

Reports of Standing Committees

Senator Dies by unanimous consent submitted the following reports:

Austin, Texas,
April 11, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 716, have had the same under consideration, and we are instructed to report it back to the

Senate with the recommendation that it do pass, and be printed.

DIES, Chairman.

Austin, Texas,
April 10, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 598, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DIES, Chairman.

Austin, Texas,
April 11, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 422, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DIES, Chairman.

House Bill 716 Ordered Not Printed

On motion of Senator Moffett and by unanimous consent H. B. No. 716 was ordered not printed.

House Bill 422 Ordered Not Printed

On motion of Senator Hall and by unanimous consent H. B. No. 422 was ordered not printed.

House Bill 598 Ordered Not Printed

On motion of Senator Kennard and by unanimous consent H. B. No. 598 was ordered not printed.

House Bill 986 Ordered Not Printed

On motion of Senator Kennard and by unanimous consent H. B. No. 986 was ordered not printed.

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 380, To the Committee on State Affairs.

H. B. No. 395, To the Committee on State Affairs.

H. B. No. 451, To the Committee on State Affairs.

H. B. No. 684, To the Committee on State Departments and Institutions.

H. B. No. 680, To the Committee on State Affairs.

H. B. No. 172, To the Committee on State Affairs.

Welcome Resolutions

S. R. No. 387—By Senator Strong: Extending welcome and privilege of the floor to Honorable and Mrs. Crawford Parker.

S. R. No. 388—By Senator Hall: Extending welcome to Representative Don Hefton's father, R. L. Hefton, and nephew, Carl Hefton of Sherman.

S. R. No. 389—By Senator Herring: Extending welcome to students and teachers of Blackshear School of Austin.

Adjournment

On motion of Senator Krueger the Senate at 10:52 o'clock a.m. adjourned until 10:00 o'clock a.m. on Tuesday, April 16, 1963.

Record of Votes

Senators Colson, Watson, Patman and Aikin asked to be recorded as voting "Nay" on the motion to adjourn.

FIFTY-FIFTH DAY

(Tuesday, April 16, 1963)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Hazlewood
Bates	Herring
Blanchard	Kazen
Calhoun	Kennard
Cole	Krueger
Colson	Moffett
Creighton	Moore
Crump	Owen
Dies	Parkhouse
Hall	Patman
Hardeman	Ratliff
Harrington	Reagan